

1 Title 5. EDUCATION

2 Division 1. State Department of Education

3 Chapter 11. Special Programs

4 Subchapter 19. Charter Schools

5
6 *Amend Section 11967 to read:*

7 **§ 11967. Appeals on Charter Petitions That Have Been Denied.**

8 (a) A charter school petition that has been previously denied by the governing board of a
9 school district must be received by the county board of education ~~or the State Board of~~
10 ~~Education~~ not later than 180 calendar days after the denial. A charter school petition that has
11 been previously denied by a county board of education must be received by the State Board of
12 Education not later than 180 calendar days after the denial. Any petition received by the county
13 board of education or State Board of Education more than 180 days after denial shall not be
14 acted upon by the county board of education or State Board of Education.

15 (b) When filing a petition with the county board of education or the State Board of Education
16 for the establishment of a charter school, petitioner(s) shall provide the following:

17 (1) A complete copy of the charter petition as denied, including the signatures required by
18 Education Code ~~s~~Section 47605.

19 (2) ~~A copy~~ Evidence of the governing board's action ~~of denial of~~ to deny the petition (e.g.
20 meeting minutes) and the governing board's written factual findings specific to the particular
21 petition, when available, setting forth specific facts to support one or more of the grounds for
22 denial set forth in as required by Education Code ~~s~~Section 47605 (b).

23 (3) A signed certification stating that petitioner(s) will comply ~~of compliance~~ with all
24 applicable law.

25 (4) A description of any changes to the petition necessary to reflect the county ~~office~~ board
26 of education or the State Board of Education as the chartering entity as applicable.

27 (c) The county board of education or State Board of Education shall deny a petition for the
28 establishment of a charter school only if it makes written factual findings, specific to the
29 particular petition, setting forth specific facts to support one or more of the grounds for denial
30 set forth in Education Code ~~s~~Section 47605(b)(1)-(5) (1-5).

31 (d) Not later than 60 days after receiving a complete petition package and following review
32 of the petition ~~and a public hearing~~ at a duly noticed public meeting, the a county board of
33 education shall grant or deny the charter petition. This ~~date~~ time period may be extended by an
34 additional 30 days if the county board of education and the petitioner(s) agree to the extension.

(e) Not later than 90 days after receiving a complete petition package ~~and following review of the petition and a public hearing~~, the State Board of Education shall schedule, at its next regular board meeting, an action item to grant or deny the charter petition. This date may be extended by an additional 30 days if the State Board of Education and the petitioner(s) agree to the extension.

(f) In considering charter petitions that have been previously denied ~~by a school district~~, the county board of education or State Board of Education ~~shall are~~ not limited to a its review to based solely on the reasons for denial stated by the school district, ~~but review the charter school petition pursuant to Education Code section 47605(b) or county board, as applicable.~~

NOTE: Authority cited: Sections 33031 and 47605(j)(5), Education Code. Reference: Section 47605(j)(4), Education Code.

Add Section 11967.6, 11967.7, and 11967.8 to read:

§ 11967.6. Submission of Statewide Charter School Petitions to the State Board of Education.

(a) A petition to establish a statewide charter school pursuant to Education Code Section 47605.8 shall:

(1) Comply with all statutory requirements otherwise applicable to charter schools, except those relating to geographic and site limitations (See Education Code Section 47605.8)

(2) If applicable, comply with all requirements of law relative to the provision of independent study.

(A) A charter that does not expressly provide for independent study shall not be interpreted as allowing independent study beyond that which is incidental and required to address the temporary needs of particular students.

(B) If the independent study (nonclassroom-based instruction) exceeds the percentage specified in Education Code Section 47612.5, it shall be funded only in keeping with a determination of funding approved pursuant to Education Code Section 47634.2.

(3) Explicitly acknowledge that an annual independent audit of the school will be conducted in keeping with applicable statute and regulation and indicate how the school's individual sites will be appropriately included in the audit process.

(4) Incorporate a plan that provides for initial commencement of instruction in at least two sites, which shall be in at least two different school districts or two different counties. The plan for instruction shall describe how the instructional services will provide a statewide benefit, as specified in Section 11967.6(b) that cannot be provided by a charter school operating in only one school district, or only in one county.

1 (5) Include an assurance that the instructional services for similar student populations
2 described in the charter will be essentially similar at each site and, thus, that each pupil's
3 educational experience will be reasonably the same with regard to instructional methods,
4 instructional materials, staffing configuration, personnel requirements, course offerings, and
5 class schedules.

6 (6) Describe how the statewide charter school will participate as a member of a special
7 education local plan area, and ensure a coordinated structure for the provision of necessary
8 programs and services specific to students with Individual Education Programs (IEPs).

9 (7) Demonstrate success in operating charter schools previously approved in California as
10 evidenced by improved pupil academic data including, but not limited to, a statewide or similar
11 schools ranking of 8 or higher on the Academic Performance Index, or other alternative
12 indicators of success as defined in the alternative accountability system pursuant to subdivision
13 (h) of Education Code Section 52052, shall be considered in determining the likelihood of a
14 charter operator to successfully operate a charter of statewide instructional benefit.

15 (8) Describe how local community input for each site included in the plan was solicited (or
16 will be solicited). Satisfaction of this paragraph shall involve the holding of at least one publicly
17 noticed meeting for each site, with a summary of the input received at the meeting(s) being
18 provided.

19 (9) Contain sufficient signatures either of parents, guardians, or of teachers in keeping with
20 Education Code Section 47605(a)(1) for each site proposed in the first year. Sites proposed to
21 begin initial instruction in subsequent years must provide sufficient signatures at the time the
22 summary of input from the public meeting required under (8) of this section is provided.

23 (10) Include an assurance that the school district governing board, the superintendent, the
24 county board of education, and county superintendent where each school site will be located
25 will be notified prior to commencement of instruction.

26 (11) Addresses all charter elements specified in Education Code Section 47605 adapted
27 appropriately for application at the statewide level.

28 (12) Contain or address any provisions or conditions specified by the State Board of
29 Education at the time of charter approval.

30 (13) Contain a plan for operations of the school that describes the distinction between
31 centralized and site level responsibilities and includes a staffing plan to implement the activities
32 at the designated level. The plan shall address school operations including, but not limited to:

33 (A) Facilities and site operations.

34 (B) Legal and programmatic compliance.

35 (C) Financial administration.

1 (D) Governance, and

2 (E) Decision-making authority.

3 (14) Provide a list of each site that will be operated by the school that includes:

4 (A) A timeline for the commencement of instruction at each site. Commencement of
5 instruction must begin during the term of the charter.

6 (B) The general location of each site and the school district and county in which each site is
7 to be located.

8 (C) A description of the potential facilities to be used at each site.

9 (D) The approximate number of pupils that can safely be accommodated at each site.

10 (b) A “statewide” benefit shall include, but not be limited to, the following factors:

11 (1) Unique factors and circumstances related to the school’s educational program that
12 would make the school better able to meet its educational mission as a statewide charter than
13 as a district- or county-authorized charter, including specific benefits to each of the following:

14 (A) The pupils who would attend the school,

15 (B) The communities (including the school districts and the counties) in which the school
16 sites would be located (e.g., in terms of pupil demographics and performance),

17 (C) The state, to the extent applicable, and

18 (D) The school itself (e.g., in fund raising, community partnerships, or relationships with
19 institutions of higher education).

20 (2) A description of administrative benefit to a charter operator, nor an expression of desire
21 by a charter operator to provide services in more than one district and county, shall be
22 considered sufficient in and of itself to constitute a statewide benefit.

23 (c) A statewide charter, regardless of the number of sites, is treated as one organizational
24 entity for all purposes, including but not limited to, compliance monitoring, data reporting and
25 collection, student performance data, oversight, and apportionments. Each organizational entity
26 will receive a unique County-District-School (CDS) district code. Additionally, each site will also
27 receive a unique individual CDS school code for purposes of disaggregation of data by site and
28 grant eligibility. For purposes of compliance monitoring and oversight, the State Board, in its
29 review, will look at each site’s independent progress in meeting AYP and statewide growth
30 targets.

31 (d) Following its submission, a petition to establish a statewide charter school may be
32 modified or new sites proposed that were not included in the original petition only with the
33 approval of the State Board of Education.

1 (e) Each statewide charter school shall provide an annual report to the State Board of
2 Education reflecting student achievement data, performance benchmarks, and other pertinent
3 data supporting stated charter goals.

4 NOTE: Authority cited: Section 33031 and 47605.8, Education Code. Reference: Sections
5 47612.5, 47634.2, and 47605, Education Code.

6
7 **§ 11967.7. Evaluation of Facilities for Statewide Charter Schools.**

8 (a) The school shall notify the California Department of Education within 60 days of
9 proposed commencement of instruction at each site, including submission of all documentation
10 required in Section 11967.6(a)(13). Within 30 days of the receipt of a complete and
11 documented request pursuant to this section, the California Department of Education shall
12 evaluate the facilities for the proposed educational program and notify the charter school and
13 any affected local education agency of its determination. The charter school or any affected
14 local education agency may appeal the Department's determination within 10 calendar days of
15 the date of the determination, and the matter will be placed on the agenda of the next regularly
16 scheduled meeting of the State Board of Education. If no action is taken by the State Board of
17 Education, the California Department of Education's determination shall stand.

18 (b) A school site in its first year of operation may only commence instruction between July 1
19 and September 30 of that year.

20 NOTE: Authority cited: Section 33031 and 47605.8, Education Code. Reference: Section
21 47605.8, Education Code.

22
23 **§ 11967.8. Funding for Statewide Charter Schools.**

24 (a) A statewide charter school approved pursuant to Education Code Section 47605.8 shall
25 be direct-funded pursuant to Chapter 6 of Part 26.8 of the Education Code (commencing with
26 Section 47630), with the following exceptions:

27 (1) A statewide charter school's general-purpose entitlement pursuant to Education Code
28 Section 47633 shall be funded entirely from state aid.

29 (2) A statewide charter school does not have a "sponsoring local education agency" as
30 defined in Education Code Section 47632.

31 (b) The warrant for a statewide charter school shall be drawn in favor of the State
32 Superintendent of Public Instruction and a county office of education as follows:

33 (1) In cooperation with the State Superintendent of Public Instruction, the State Board of
34 Education may designate a county office of education as the office responsible for establishing
35 the appropriate funds or accounts in the country treasury for the statewide charter schools and

1 for making the necessary arrangements for the school's participation in the State Teachers'
2 Retirement System and/or the Public Employees Retirement System. The county office may
3 charge the school for the actual cost of services.

4 (2) In designating a county office of education, the State Board shall give preference to the
5 county office of education of the county that the charter school identifies as the principal
6 location of its business records.

7 (3) If the county office of education in the county that the school identifies as the principal
8 location of its business records declines to accept the responsibility for the statewide charter
9 school, the State Board of Education may designate another county office of education by
10 mutual agreement.

11 NOTE: Authority cited: Section 33031 and 47605.8, Education Code. Reference: Section
12 47632 and 47651, Education Code.

14 *Amend Section 11968 to read:*

15 **§ 11968. Maximum Number of Charters.**

16 (a) If a charter school, including a statewide or countywide charter school, ceases to
17 operate ~~through~~ by voluntary surrender, revocation, or non-renewal of its charter, the charter
18 school's number will lapse and will not be reassigned.

19 (b) On July 1, 1999, and on each succeeding July 1, the limit on the total number of
20 allowable charter ~~petitions~~ schools authorized to operate in this state will be increased by 100.

21 (c) Whenever the statutory limit on the permissible number of charter schools ~~petitions~~
22 authorized to operate in this state is reached, requests for new numbers will be placed on a list
23 in the order received by the State Board of Education.

24 NOTE: Authority cited: Sections 33031 and 47602(b), Education Code. Reference: Section
25 47602, Education Code.

27 *Amend Section 11969 to read:*

28 **§ 11969. Numbering of Charter School Petitions.**

29 ~~Each charter petition granted pursuant to subdivision (j) of Section 47605 of the Education~~
30 ~~Code and each charter notice received by the State Board of Education pursuant to subdivision~~
31 ~~(i) and paragraph (5) of subdivision (j) of Section 47605 shall be given one number. For~~
32 ~~purposes of calculating the maximum total number of charter schools authorized to operate in~~
33 ~~this state, each petition shall be deemed to authorize one charter school.~~

34 (a) In accordance with subdivision (a) of Section 47602 of the Education Code, the
35 California Department of Education, on behalf of the State Board of Education, shall establish

1 and administer a numbering system to track the total number of charter schools authorized to
2 operate in the state, based on the chronological order of the receipt of a complete charter
3 petition and notification of charter approval by a local educational agency or, in the case of a
4 charter petition approved by the State Board of Education, the date and time of the State
5 Board's approval.

6 (b) When the State Board of Education approves a charter petition or receives notice that a
7 charter petition has been approved by a local education agency, the State Board shall assign
8 the school one charter number.

9 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 47602, Education
10 Code.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33 9-9-04